



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
WWW.USPTO.GOV

In re Application of

J. Carman

Serial No.: 09/576,623

Filed: May 23, 2000

Attorney Docket No.: T4088.CONT

PETITION DECISION

This is in response to applicant's Petition To Make Special under 37 CFR § 1.102, filed January 31, 2001, based upon special status under MPEP § 708.02(VIII and XII).

MPEP § 708.02(VIII) states a new application may be granted special status provided the applicant complies with each of the following items: (A)-(E). In particular, MPEP § 708.02(VIII)(C) states:

"Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

Applicant states a copy of a form PTO-1449 submitted in an Information Disclosure Statement is enclosed with applicant's Petition to Make Special under 37 CFR § 1.102. However, no such copy of a form PTO-1449 is included nor is a form PTO-1449 filed in the application. Nevertheless, applicant also indicated that all of the references listed on this form PTO-1449 were of record in prior application No. 09/018,875. Applicant is required to provide a copy of 1449 to complete the record.

Applicant also states the application meets the standards listed under MPEP § 708.02(XII) special status for applications relating to biotechnology filed by applicants who are small entities. Applicant included a statement establishing small entity status, stated that the subject of the patent application is a major asset of the small entity, and stated that the development of the technology will be significantly impaired if examination of the patent application is delayed, including an explanation of the basis for making the statement. Based on the statements and evidence provided it is concluded the application meets the requirements for special status under MPEP § 708.02(XII).

Applicant's petition is **GRANTED**.

Should there be any questions regarding this decision, please contact Cecilia Tsang by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

*Cecilia Tsang for*  
John Doll

Director, Technology Center 1600

CLAYTON, HOWARTH & CANNON, P.C.  
P.O. BOX 1909  
SANDY, UTAH 84091